



# HEMDAT YAMIM

חֵמְדָּה יָמִימִים

## Parashat Hashavua

Chukat, Tamuz 5, 5786

Harav Shaul Israeli zt"l  
Founder and President

### Better to Know Late than Never

Rav Daniel Mann

*Chazal* tell us that in the desert, the divine clouds were present in the merit of Aharon and the well that accompanied Bnei Yisrael existed in the merit of Miriam (Ta'anit 9a). Both of these supernatural physical matters are introduced in *Parashat Beshalach* (Shemot 13:22, and *ibid.* 17:5-6, respectively). The clouds appeared at the direct instruction of Hashem; the water's arrival was preceded by a divinely mandated human event – Moshe hit a rock before the assembled elders, and the waters flowed. Aharon and Miriam are not mentioned in either context.

Whereas the clouds are mentioned in various contexts throughout the *Chumash*, the well and its water disappear from discussion until our *parasha*. Here, the Torah tells of Miriam's death (Bamidbar 20:1), the shortage of water (*ibid.* 2), the complaints, divine intervention, and the mistake of Moshe and Aharon (*ibid.* 3-13). The *gemara* (*ibid.*) derives from the proximity of events that the water must have been in Miriam's merit, which is why it disappeared when she died. The same pattern appears several *p'sukim* later – Aharon died (*ibid.* 29), and Bnei Yisrael became vulnerable because of the disappearance of the protective clouds (see *ibid.* 21:1 with Rashi). This too was the proof that the clouds had been in the merit of Aharon.

This should inspire an important lesson. When things are going well, we forget the blessings we have, and even when we think about them, we do not always know who to thank for them. Sometimes, only when the people who deserve recognition are gone, do we realize that had we noticed, we could have thanked them all along. Similarly, the impact of the *Beit Hamikdash* on Jewish life was clear on many levels at its time. However, *Chazal* tell us that when it was destroyed, all sorts of deficiencies and curses came up (Sota 48a). Presumably, the nation were unaware that the absence of these problems was thanks to the *Beit Hamikdash*.

There, though, is a difference between the hidden value of Miriam and that of Aharon. Aharon was, after all, a visible part of the efforts to bring about the Exodus, and throughout the time in the desert, he was the *kohen gadol*. When he died, the Torah says that everyone cried (Bamidbar 20:29). Miriam is barely mentioned throughout the Torah, and upon her death, we are not told that the nation cried. In her first mention in the Torah, watching her baby brother on the Nile and arranging his reuniting with his mother (Shemot 2:4-9), she is called only "his sister." *Chazal* teach us that Miriam is also Puah, who helped with childbirth (Rashi to *ibid.* 1:15). She is also the "uncredited" one who convinced her father and, through him many others, to return to childbearing (Rashi to *ibid.* 2:1). Miriam changed Bnei Yisrael, and was happy to do it behind the scenes and anonymously, only stepping forward into the limelight, when there was a rare need to act publicly by example, leading the women in song and dance after the Splitting of the Sea (Shemot 15:21).

In their own way, many women, and some men, are able to make their greatest contributions anonymously and behind the scenes. At the end, each will get their reward, either to be belatedly recognized, or to receive the deserved reward from Hashem alone.

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**Eretz Hemdah**  
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruriya St. corner of Rav Chiya St.  
POB 8178 Jerusalem 91080  
Tel: 972-2-5371485 Fax: 972-2-5379626.  
amutah number 580120780

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# Ask the Rabbi

Chukat

by Rav Daniel Mann

## Covering One's Face During *Birkat Kohanim*

**Question:** In *chutz la'aretz*, when they do *Birkat Kohanim* (on *Yom Tov*), men cover their faces with their *tallit*. Upon making *aliya*, I rarely see people doing so. Is there a halachic *machloket* on the matter, or is it just a matter of *minhag*? What should I be doing?

**Answer:** The main halachic issue here is that one is not supposed to look at the *kohanim* during *Birkat Kohanim*. The sources begin with the *mishna* (Megilla 24b) that a *kohen* with blemishes on his hands must not do *Birkat Kohanim* because it can cause people to stare at the *kohen's* hands. The Yerushalmi (Megilla 4:8) says that this shows that it is forbidden for the congregation to look, irrespective of whether the *kohanim* have blemishes, because it can cause them to not properly concentrate on the *berachot*. This is codified by the Rambam (Tefilla 14:7) and the Shulchan Aruch (Orach Chayim 128:23). (This concern is best understood according to the opinion that the *tzibbur* has a *mitzva* to accept the *kohanim's* *beracha*; see Be'ur Halacha to 128:1; Dvar Avraham I:31.) The Mishna Berura (128:89) says, that since concentration is the problem, one should not be looking anywhere, and that the halacha only precludes extended looking, as only this would impair one's concentration.

The explanation that most people think of is that it is disrespectful and potentially dangerous to look at a *kohen's* hands during *Birkat Kohanim* because of a special Divine Presence (*Shechina*) that exists there. Indeed, the *gemara* (Chagiga 16a) says that doing so could damage one's vision. The Beit Yosef (OC 128) points out that the *Shechina* is on the hands only in the *Beit Hamikdash*, where they would use the *Shem Hameforash* during *Birkat Kohanim*, and so our present-day practice of not looking relates only to concentration. (Some kabbalistically oriented sources say that the danger effect still exists – see Da'at Torah to the Shulchan Aruch *ibid.*) Although we have seen that it should thus be permitted to look casually, the Mishna Berura (*ibid.*) comments that the *minhag* is to not look at all as a remembrance of the care taken in the *Beit Hamikdash*.

In fact, some take further precautions. The Beit Yosef (*ibid.*) reports a *minhag*, which is indeed followed broadly today, for each *kohen* to pull their *tallit* over his head and even his hands. This prevents the *kohanim* from being distracted by the people, and the people from being distracted by the *kohanim*. By the same token, it also prevents seeing the hands, with the *Shechina* implications.

If this is not enough, there is the *minhag* you ask about, which is mentioned and encouraged by the Kaf Hachayim (OC 128:142), that members of the *tzibbur* also cover their heads with a *tallit*. He says that if one does not cover his eyes with a *tallit*, he at least should shut his eyes. Some mention (see Piskei Teshuvot 128:55) covering children with a *tallit*. This is probably more logical if the problem is the *Shechina* issue as opposed to concentration, as the latter is unlikely to be important for a child. At some point, apparently quite recently and as a grass roots idea, some fathers started putting their hands on their child's head, as some sort of conduit for the *beracha* of the *kohanim* to land well on the children. It could be that this was borrowed from the practice of fathers to put their hands on their children's heads when blessing them (including with *Birkat Kohanim*) on Friday night.

We have seen how the *minhag* you experienced in *chutz la'aretz*, was an extension of an extension of an extension. It could be that it just did not spread to Israeli communities here as much as abroad. The explanation could be that when *Birkat Kohanim* is a rare, highly anticipated event, people are more inclined to seek every possible enhancement, but not in Israel, where its frequency fosters a more basic approach. Now that you live in *Eretz Yisrael*, we suggest to follow the local practice. However, especially since people do not look around at this time, you may, if you prefer, cover your head during *Birkat Kohanim*, as this is not divisive.

### “Behind the Scenes” Zoom shiur

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## Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

### The Days that the Heaven is Above the Land – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 282

[We are in the midst of a discussion on the impact of significant Torah study on a person's being.]

One who sits down in the evening next to a *gemara*, an *Ein Yaakov*, or a *Chumash*, sets aside time for Torah study in the morning, or is a supporter of Torah – his world changes. You are fortunate that you have a *kollel* (the address was to a group in Tel Aviv) where Torah is taught in a broad manner, and they do not suffice with a little in the morning and at night. You support them and make sure to do that in a dignified manner. This turns your professions, your earnings, your concern for a good livelihood, into something spiritual – “as the days that the heavens are above the land” (Devarim 11:21) – spiritual days. They are not mundane, material days of work, but spiritual days. Even when one is occupied with other things, his actions are a result of a spiritual concern, of study that brings to action. The work is not plain work, but work that is related to Torah.

This is the main point that is missing these days. We have to warn those who think that it is worthwhile to watch television, beyond the news, but rather broadcasts of entertainment. We need no other entertainment but Torah. “Your *dodim* are better than wine” (Shir Hashirim 1:2). [We can explain it that] just like a baby enjoys the taste of nursing from his mother, so too with Torah, the more you imbibe, the better it tastes for you. We do not need to look for other recreation. At the moment we concentrate our lives around Torah study and begin to love it and see it as “our life and the length of our days” – and this is not an external expression but a real situation where our whole lives are centered on something spiritual – then our days are heaven on earth. In this fashion we will find the true content of our life and also our connection to *Eretz Yisrael*, and especially to Jerusalem.

We speak about Jerusalem as the capital of Israel. What is a capital? Is it like London and Moscow are capitals of their countries? That is not enough for us, and does not accomplish anything. Let Tel Aviv be the capital, who cares?! We must see Jerusalem as the Holy City, the place where, when the Temple was standing, people would go up to it “to learn to fear Hashem, your Lord, all of the days” (Devarim 14:23). A person who was in Jerusalem would soak up the atmosphere of sanctity and purity. This is what gave Jerusalem its value, as the city of sanctity, and for this reason it is the capital, as it is sanctity that brings on kingship and grandeur.

We are in the week of *sefirat ha'omer* that is connected to grandeur. The State of Israel is in its essence founded upon grandeur. We could have lived in foreign lands, at least when they let us live. There are dangers here as well. We are here because it is our spiritual cradle. This is where our forefathers created a practice of prophecy. Yehoshua passed on the Torah to the elders, who passed it on to the prophets, who passed it on to the Men of the Great Assembly. The fact that there is this uninterrupted chain of “You shall inform your sons and your sons' sons ... [of the receipt of the Torah] at Sinai” (Devarim 4:9) is the main thing that we see in *Eretz Yisrael*. This is the reason we need a state. We are not belittling the state, and we need to develop it. In a few days, we will celebrate Independence Day. Some people will feel that it has no value; this is a denial of Hashem's gift to us. Hashem gave us this vessel (the state), and we need to fill it with true content, which it needs, is capable of, and will have.

May Hashem put in the midst of the community living in Zion a true spirit, which shall allow the building and establishment of Jerusalem, so that the nations of the world will see that Hashem's Name is upon us, and they will fear us.

We daven for a complete and speedy *refuah* for:

Itamar Chaim ben Tzipora  
Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Neta bat Malka

Avraham ben Gitel  
Tal Shaul ben Yaffa  
Meira bat Esther

Together with all *cholei* Yisrael

# P'ninat Mishpat

## Regulation of Land Rights in a Settlement Extension – part II

(based on ruling 84019 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiffs (=pl) used to live in an unrecognized settlement extension (=SE), which was the subject of past rulings of a *beit din* in the region (=pbd) in 2014. Pl left SE in 2013, and returned in 2016, against the will of the settlement committee (=def), with the help of pressure from the regional council (=rc). Def instructed pl as to the boundaries of their lot, but pl expanded beyond them and ignored warnings to desist from such actions. In 2023, def started preparing neighboring lots for new units, including areas to which pl had asserted control, and def destroyed some of pl's infrastructure. An official of rc wrote that he does not oppose pl's use of the area, pl have called the police to stop the work, and the matter is before our *beit din*. Pl claim that since SE is not recognized as part of any jurisdiction but general national land, they are not bound by the instructions of def or rc. Pl claim that def's decisions should not be binding because there was great animosity between def and pl and because the relevant rules were applied only to pl. Pl also claim to have *chazaka* based on the fact that they were present in the area before others arrived to SE and def was formed.

**Ruling:** [Last time we saw that the government, while unable to officially appoint rc and/or def, wants them to have authority, and that this was recognized by pl as well.]

Ba'i Chayei (Choshen Mishpat I:109) rules that a public decision that was taken in order to hurt an individual is not binding; other *poskim* agree. The Maharshach (I:159) says that when a decision applies only to one person, it is considered suspect of violating that rule. On the other hand, the Knesset Hagedola (Tur CM 231:94) says that we assume that a public decision was not for the purpose of revenge until it is proven that it is. However, if the decision is what makes it possible to extract payment from someone, the level of indication that the decision is problematic is lower, and the fact that it applies to only one person can be enough to accomplish this (see also Hilchot Medina (Waldenberg) I, p. 185).

In this case, pl were unable to prove that the decision not to let them keep (for free) a property that is greater than 700 sq. meters was done out of hate. The decision is very logical when one considers that no one else in SE has such a big property (the average is 500 sq. meters), so their right to have the biggest plot is retained. Therefore, the decision is upheld even though it is not denied (and *beit din* regrets this) that there is indeed enmity between the sides.

Pl's presence in the plot of land in 2013 is inconsequential regarding *chazaka* because they were removed from the land by the government's civil authority, which represents the owners of the land. Therefore, whatever *chazaka* might have existed was uprooted, and when pl tried to reestablish it, def was already involved and possessed set rules that precluded pl's expansion to the extent they wanted.

*We will continue next time.*

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